

RETURN OF SERVICE

**UNITED STATES DISTRICT COURT
Southern District of California**

Case Number: 12CV3057LWWG

Plaintiff/Petitioner:

MICHAEL MONTGOMERY

vs.

Defendant/Respondent:

WAL-MART STORES, INC., et al.

Received by HPS Process Service & Investigations, Inc. to be served on **Eric Elmburg, 55115 East 260 Road, Afton, OK 74331**. I, **DEBORAH FRANCIS** do hereby affirm that on the **13** day of **FEB**, 20**13** at **10:20am**, executed service by delivering a true copy of the Summons in a Civil Action; Complaint for: 1) Strict Liability, 2) Negligence, 3) Breach of Warranty, 4) Misrepresentation, 5) Violations of the Consumer Product Safety Act, 6) Negligence Pre Se, 7) Piercing the Corporate Veil and Joint Enterprise Liability; 8) Piercing the Corporate Veil; 9) Fraudulent Conveyance, 11) Strict Liability Design Defect, 12) Duty to Warn; Civil Cover Sheet; and Notice of Electronic Filing in accordance with state statutes in the manner marked below:

☒ **INDIVIDUAL SERVICE:** Served the above-named person.

☐ **SUBSTITUTE RESIDENTIAL SERVICE:** By delivering the service package to _____, as _____, at the above-named person's dwelling place or usual place of abode.

☐ **OTHER SERVICE:** As described in the Comments below.

☐ **NON SERVICE:** For the reason detailed in the Comments below.

☐ **MILITARY SERVICE:** ☐ YES _____ BRANCH ☐ NO

COMMENTS: 27600 S. HWY 125 MONKEY ISLAND, OK 74331

I certify that I have no interest in the above action, am of legal age and have proper authority in the jurisdiction in which this service was made.

DIANNA PARKER
Notary Public in and for
State of Oklahoma-Deware County
Commission # 10001754
My Commission Expires: march 02, 2014

2/14/13
Dianna Parker
Com # 10001754
Exp 3/2/14

Deborah Francis
PROCESS SERVER # PSS 12-1
Appointed in accordance with State Statutes

HPS Process Service & Investigations, Inc.
www.hpsprocess.com
1669 Jefferson
Kansas City, MO 64108
(800) 796-9559
Our Job Serial Number: 2013002730

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT
for the
SOUTHERN DISTRICT OF CALIFORNIA

MICHAEL MONTGOMERY,

Plaintiff

v.

WAL-MART STORES, INC.; KINDERHOOK INDUSTRIES II, L.P.;
KINDERHOOK INDUSTRIES, L.L.C.; KINDERHOOK CAPITAL
FUND II, L.P.; CRESTWOOD HOLDINGS, INC.; BERGAN, L.L.C.;
JOHN ELMBURG; ROBERT ELMBURG; ERIC ELMBURG; ROCKY
FLICK; HOME DEPOT U.S.A., INC. AND DOES 1 THROUGH 20,
INCLUSIVE,

Defendant

Civil Action No. 12CV3057-L-WVG

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

Eric Elmburg
55115 East 260 Road
Afton, OK 74331

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

David L. Shain
1050 South Kimball Road
Ventura, CA 93004

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

W. Samuel Hamrick, Jr.

CLERK OF COURT

Date:

12/26/12

S/ C.Lopez

Signature of Clerk or Deputy Clerk

